IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

ANDREW JACKSON SMITH,)
Petitioner,)
vs.) CIVIL ACTION NO. 12-0621-CG-M
LEEPOSEY DANIELS,)
Defendant.)
	ORDER

After due and proper consideration of all pleadings in this file, and there having been no objections filed, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

It is **ORDERED** that this habeas petition is **DENIED** as this Court does not have jurisdiction over it and that this action is **DISMISSED**. It is further **ORDERED** that any certificate of appealability filed by Petitioner be **DENIED** as he is not entitled to appeal in forma pauperis.

DONE and ORDERED this 4th day of March, 2013.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE